

1904-021 Chancery Causes: Orvil Collins vs. Lucy Collins &
Lee Co.

1 Plat

CA-Estate Dispute
T-Property

To the honorable J. A. W. Sheen Judge of the
Circuit Court of Lee County Virginia.
Humbly complaining your orator Orvil
Collins, would respectfully represent and
shew unto your honor that Hillary
Collins, the father of your orator, departed
this life, intestate, on the day of
189 seized and possessed, of a small
personal estate, in said county, but sufficient
to pay his small indebtedness, and funeral expenses;
that said intestate was ^{also} seized and possessed of
a tract of land, containing seventy five acres,
more or less, lying and being in said county
of Lee on the South Side of Pamelles Mountain
adjoining the lands of Isaac Weston, Sam Miser
& Brooks Delfi, which tract of land descended to
Lucy Collins, widow of said Hillary Collins, and
Elizabeth Collins, Stey Collins & Henry Collins
infant children of Henry Collins deceased who
was a son of the said Hillary Collins and who
died before his said father, and your orator.
Your orator will further represent and shew
unto your honor that the said real estate is
susceptible of being partitioned among those
entitled thereto. The object therefore of this bill
is to have the said tract of land partitioned, and
dower assigned to the said Lucy Collins widow
of said Hillary Collins, and the said tract partitioned
between your orator and the said three infants
subject to said dower, and a moiety thereof bid
off and assigned to your orator and a like moiety
to said three infants, subject to said dower.
The prayer therefore of your orator is that Lucy
Collins, Elizabeth Collins, Stey Collins & Henry Collins

he made the ^{parties} defendants to this bill and required
to answer the same, but not on oath, that being
waived; that a guardian ad litem he appointed
to appear and answer for said infants, and on
a hearing the relief above prayed for he granted
and all such other and further relief as is consistent
with equity and the case requires.
And your orator will ever pray &c.

Wm & Nail, p. 9.

Plaintiffs Costs.

Murray Clerk	\$ 4.13
- Tax	1.50 Paid
Erving Clerk	3.10
Shiff	1.50
Abail Jones	.50
Atty	15.00
M. G. Ely G.A.S.	5.00
Edwards	5.00
Mrs. Manning	1.00
Barnett	1.00
Total	\$37.73

Orvil Collins 1044

vs Bill in Chancery
Lucy Collins et als.

1903. 2nd October rules bill
filed Spa executed and
Decree Nisi

" 1st November rules held
the last Monday in Oct
Decree Nisi Confirmed
& Cause set for hearing

Under seal of Court
to Court
Aug 2/1907.

In the Circuit Court for the County of Lee ,
to wit:

THE ANSWER OF

Elizabeth Collins, Atty Collins, & Henry
 Collins

infant under the age of twenty-one years, by M. G. Ely,
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
 them and others in the Circuit Court for the County of
 Lee , by Orville Collins and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of tender
years, and by reason of such disability are incapable of understanding, or of taking care of their
rights and interests, they therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs,
in this behalf expended; and they will ever pray, &c.

M. G. Ely,

Guardian *ad litem*.

p. d.

State of Va. County
OF
 Lee } ss.

This day, M. G. Ely , whose name is signed to
the foregoing answer, personally appeared before me, A. B. Mursey C. C. C.
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 3rd day of Nov. 1903 189

A. B. Mursey Clerk

Orville Collins

adv. }

ANSWER
OF
INFANT DEFENDANT.

Lucy Collins et al.

*Filed in open Court
and by leave thereof
Novr the 5th 1903.*

A. B. Munsey Clerk

Orvil Collins

Plaintiff

against

Lucy Collins et als. Defendants

In chancery.

This cause came on to be finally heard upon the papers formerly read in the cause, and the report of C. C. Elliott, S. P. Munsey, & Lipton Barrett, Commissioners filed in the cause, January 31st/904, of the partition of the land in the bill mentioned, and plat of said partition therewith, and was argued by counsel. On consideration thereof, and it being suggested to the Court, that the defendant Lucy Collins has departed this life since said partition was made by said Commissioners and the Court being of opinion that by her decease, her dower interest in said land has terminated, It is therefore adjudged, ordered and decreed that the said report of said Commissioners & plat therewith, the same being unexcepted to, be and the same is hereby confirmed; and that the plaintiff, Orvil Collins, and the two infant defendants, jointly, take and hold the said real estate in said report & plat mentioned, as laid off and assigned to them by said Commissioners, in fee simple, and free from any claim of dower to which said Lucy Collins may

have been entitled therein in her lifetime; and that the clerk of this Court record in his office in the proper Deed Book, the decree appointing said commissioners to make said partition, the said report and plat and this decree; and that the plaintiff, Arvil Collins, pay one half of the costs of this suit, and that the Guardian for the said infant defendants, Elizabeth Collins, Stacey Collins & Henley Collins pay the other half of said costs, which costs are adjudged to be a lien on the respective interests of said parties in said real estate. And nothing further remaining to be done in this cause the same is ordered to be stricken from the docket.

Virginia, Lee County, to-wit:

In the Clerk's Office of Lee County, on this the 8th day of February, 1907. The foregoing decrees, Commissioners report and plat were presented, and admitted to record.

Teste: L. C. J. Ewing, Clerk.

Orvil Collins
vs Decree Final
Lucy Collins et al
En C.B. No. 7, p. 410

Recorded in Dec
Book No. 1, page 310.
Examined Feb. 9, 1904
3 Indexed

Wad.

Enter this Decree.
H. C. S. P.
Feb 17th 1904.

Orvil Collins

Plaintiff

against

Inchmurray

Lucy Collins et als. Defendants

On motion of the plaintiff M. G. Aly is appointed guardian ad litem for Elizabeth Collins, Stacey Collins & Henley Collins, the infant defendants, and on his motion leave is granted him to file their answer and the same was accordingly filed, and the plaintiff replied generally thereto. And thereupon the cause came on to be heard upon the bill of the plaintiff the process duly executed on the adult defendant, Lucy Collins, and the answer of the said guardian ad litem, with replication thereto, and was argued by counsel. On consideration thereof it is adjudged, ordered and decreed that ~~the~~ E. C. Elliott, J. P. Munsey & Lipton Barrett, who are appointed commissioners for the purpose, do go upon the land in the bill mentioned, and lay off and assign to the defendant Lucy Collins her dower in the real estate in the bill mentioned, and they will then lay off and assign to the plaintiff a moiety of said real estate, subject to said dower, and the other moiety thereof to the said

infant defendants, jointly, ^{subject to said decree,} Said Com-
missioners will report their action
hereunder to the next term of the Court.
And the Cause is Continued.

Oruel Collins

vs { Decree No 1.

Lucy Collins et al

Entered on July 27.
No 7 Page 357

Enter this decree.

~~Lucy Collins~~

100 5th 1903.

Virginia;

At a Circuit Court continued and held for Lee county, at the Court-house thereof, on Thursday November the 5th, 1903.

Orvil Collins	Plaintiff)	
)	
against)	In Chancery
)	
Lucy Collins et als	Defendants)	

On motion of the plaintiff M.G.Ely is appointed Guardian ad litem for Elizabeth Collins, Atsey Collins and Henly Collins, the infant defendants, and on his motion leave is granted him to file their answer, and the same was accordingly filed and the plaintiff replied generally thereto. And thereupon the cause came on to be heard upon the bill of the plaintiff, the process duly executed on the adult defendant, Lucy Collins, and the answer of the said Guardian ad litem, with replication thereto, and was argued by counsel.

On consideration thereof it is adjudged, ordered and decreed that C.C.Elliott, T.P.Munsey and Tipton Barrett, who are appointed Commissioners for the purpose, do go upon the land in the bill mentioned, and lay off and assign to the defendant Lucy Collins, her dower in the real estate in the bill mentioned, and they will then lay off and assign to the plaintiff a moiety of said real estate, subject to the said dower and the other moiety thereof to said infant defendants, jointly, subject to said dower.

Said Commissioners will report their action hereunder to the next term of the court; and the cause is continued.

A copy;

Teste, A.B. Munsey Clerk.

Serve copies on
C. C. Elliott
J. P. Munsey &
Tipton Barrett

Orville Collins
} Copies of Decree

Lacey Collins et al

Executed Nov. 28-1900
by delivering two copies
of the within Decree
to the within Parties
Commissioners
D. B. Bingham D. S.
for M. J. Milburn
D. S. C.

/

Recorded in Decd
Book 45, Page 308
Examined Feb. 9, 1907
Indexed

Virginia;

At a Circuit Court continued and held for Lee county, at the Court-house thereof, on Thursday November the 5th, 1903.

Orvill Collins	Plaintiff)	
against)	In Chancery
Lucy Collins et als	Defendants)	

On motion of the plaintiff M.G.Ely is appointed Gardian ad litem for Elizabeth Collins, Atsey Collins and Henley Collins, the infant defendants, and on his motion leave is granted him to file their answer, and the same was accordingly filed and the plaintiff replied generally thereto. And thereupon the cause came on be heard upon the bill of the plaintiff, the process duly executed on the adult defendant, Lucy Collins, and the answer of the said Guardian ad litem, with replication thereto, and was argued by counsel. On consideration thereof it is adjudged, ordered and decreed that C.C.Elliott, T.P.Munsey and Tipton Barrett, who are appointed commissioners for the purpose, do go upon the land in the bill mentioned, and lay off and assign to the defendant Lucy Collins, her dower in the real estate in the bill mentioned, and they will then lay off and assign to the plaintiff a moiety of said real estate, subject to the said dower and the other moiety thereof to said infant defendants, jointly, subject to said dower.

Said Commissioners will report their action hereunder to the next term of the court, and the cause is continued.

A copy;

Teste, A.P. Munsey Clerk.

For C. G. Elliott
Order To Lay off
Lower To Lewis Collins
and heirs.

To The Honorable ~~R. A. W.~~ Skeen Judge of The
Circuit Court of Lee County Virginia

In pursuance of an Order from said Court
dated Nov. 5th 1903
directing us the undersigned Commissioners
to go upon the Land in the Bill mentioned and
lay off and assign to the defendant Lucy Collins
her dower in the real estate in the Bill mentioned
and then lay off and assign to the Plaintiff
a moiety of said real estate subject to the said
dower and the other moiety thereof to said
Infant defendants jointly. Subject to said dower

We your Commissioners proceed on December
the 23rd 1903 to comply with said order

We first surveyed the land and ^{found} it to contain 46
acres more or less, which is Bounded as follows
Beginning on a small Chestnut on Top of Powels
Mountain Ham Myers corner and with his line
S 34 $\frac{1}{2}$ E 76 $\frac{1}{2}$ poles to a Chestnut oak Brook Delft corner
thence with his line S 62 $\frac{1}{2}$ W 36 poles to a marked
Black Walnut called for in the Deed. S 50 W 24 poles
to a marked Chestnut called for. S 54 $\frac{1}{2}$ W 32 poles to a
White oak on a Spur. N 32 W 21 poles to a Double White oak
marked as a line tree N 24 $\frac{1}{2}$ W 28 poles to a Chestnut oak
marked as a line tree N 40 W 40 $\frac{1}{2}$ poles to a Chestnut oak on
Top of Powels Mountain thence leaving Brook Delft
lines and with the Top of said Mountain N 63 E 28
poles N 60 E 32 $\frac{1}{2}$ poles N 70 E 32 $\frac{1}{2}$ poles to the Beginning
at figure 1.

We then layed off to The Widow Lucy Hollins her dower in said lands. Beginning on a Chestnut oak at figure 2 on the Plat. and with the old line $N 34\frac{1}{2}^{\circ} W 18\frac{1}{2}$ poles to a White Walnut at small red a. Thence with the red line $S 61^{\circ} W 50\frac{1}{2}$ poles to a large Rock at small b. $S 59^{\circ} W 43$ poles to a Stone at small c. Two poles north of the Double White oak in the old line and with the same $S 29\frac{1}{2}^{\circ} E$ 2 poles to a ^{Double} White oak on a Spur ^{at 6} ~~$S 32^{\circ} E$~~ 21 poles to a ^{Double} White oak on a Spur $N 54\frac{1}{2}^{\circ} E$ 32 poles to a Chestnut at 4 $N 50^{\circ} E$ 24 poles to a Black Walnut at figure 3, $N 62\frac{1}{2}^{\circ} E$ 36 poles to the Beginning containing $10\frac{1}{2}$ acres (more or less) and including the dwelling house Orchard &c. We then layed off Lot No. 1 and assigned to ^{the plaintiff} Chas. Hollins, which is represented by the figures and capital letters 1. 2. 3. D. E. F. 10. Beginning at one Chestnut on top of Snows Mountain at figure 1. $S 34\frac{1}{2}^{\circ} E$ 76 poles to a Chestnut oak at 2. $S 62\frac{1}{2}^{\circ} W$ 32 to Black Walnut at 3. $S 50^{\circ} W$ 20 poles & 5 links to a large Chestnut Stump at D $N 30^{\circ} W$ 19 poles passing through the Spring to a Stone at E in the Dower line $N 25\frac{1}{2}^{\circ} W$ 42 poles to a Stone on top of the Mountain at F. Thence with the top of the Mountain $N 40^{\circ} E$ 13 poles to 10. $N 70^{\circ} E$ 32 poles to the Beginning, containing $24\frac{1}{2}$ acres (more or less) This lot includes a part of the Dower as shown by the dotted line. We then layed off and assigned Lot No. 2 to Infant heirs, Elizabeth Hollins. Alsey Hollins, and Henley Hollins. Defendants. Which is represented,

by the figures and letters 5. 6. c. 7. 8. 9. F. E. D. 4.

Beginning on a White oak on a spur at figure 5 Thence
N 32 W 21 poles to a double White oak ^{at 6} N 24 1/2 W 2 poles to a Stone
at med. c. a corner to Dower N 24 1/2 W 26 poles to a Chestnut
oak. at 7. N 40 W 40 1/2 poles to a Chestnut oak on top of
Powels Mountain at 8. N 63 E 28 poles with the top of
Daid Mountain to 9. N 60 E 19 1/2 poles to a Stone a F a
corner to Lot No 1. and with the same and the dotted
line S 26 E 62 poles to a Stone in Dower line at E
S 30 E 19 1/2 poles passing through the Spring to a large
Chestnut stump at D. S 50 W 3 poles & 20 Links to a
Chestnut. at 4. S 54 1/2 W 32 poles to the Beginning.

Containing 2 1/2 acres more or less, Lot No 2 includes
part of the Dower. which is shown on the Plat.

The heirs owning lots No 1 and 2 is to have a right
away to the Spring from E along the dotted line
to the Spring ^{for the purpose of using water therefor for all purposes} as represented on the Plat, provided
they use the Right peaceably and in decency.

and we file a Plat herewith making it
a part of our Report all of which is
Respectfully Submitted

Tues

L. L. E. \$500

T. P. Muncy 100

Tipton Barrett 100
Paid \$700

L. L. Elliott Sur

T. P. Muncy

Tipton Barrett.

Com-

Orvil Collins
vs $\frac{5}{3}$ Report of Partition
Lucy Collins et als

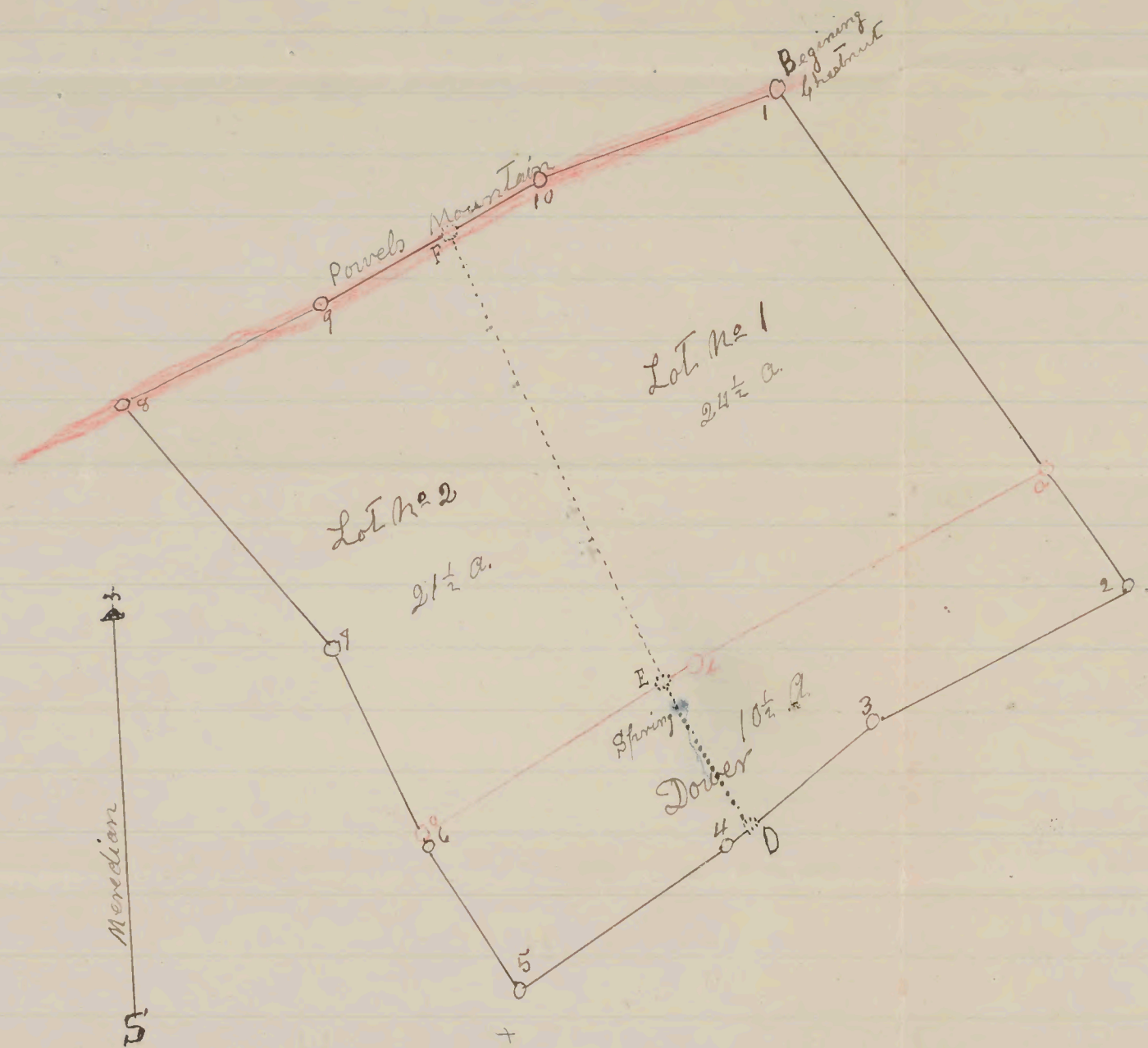
Filed January the 31st 1904.

A. B. Munsey Clerk

2

Elliott 5.00
Munsey 1.00
Barrett 1.00
7.00

Recorded in DB.
45. pages 308 &c.
Examined Feb. 9, 1907
Indexed



Orvil Ballins

vs $\frac{5}{3}$ Plat.

Lucy Ballins et al

Recorded in

D.B. 45' page

309.

Orville Collins, & others

Costs of publication

\$37.73

Martha Collins paid \$5.00, \$7.00, \$6.86 1/2

18.86 1/2

Orville paid 1.50, .50, \$5.00, \$5.70 - 1.00 +

1.00 + \$4.86 1/2

18.86 1/2

over collected, \$5.00, \$7.00, \$6.86 1/2

+ \$4.86 1/2

\$23.73

Returned fee

\$15.00

15.00
\$8.73

Orvil Collins
of Memo of Costs.
30
Lucy Collins et al

Orvil Collins.

vs.

Lucy Collins, widow, Elizabeth Collins
Atty Collins & Henry Collins, last
3 infants. Suit for partition of real
estate of Hillary Collins decd.

& tract of about 75 A, on South side
of Powell's Mountain, adjoining the lands
of Isaac Weston, Lane, Nizer & Gracks Del.
Henry Collins, father of the infants died before
his father, Hillary Collins decd.

C. C. Elliott, T. P. Munsey & Lipton
Barrett for Comrs.

Orvil Collins

Memo.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Lucy Collins,
Elizabeth Collins, Atsey Collins, and Henry
Collins

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October 1903, to answer a
bill in chancery exhibited against Them in our said court by
Orvil Collins

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 6th day of October, 1903, and in the 128th
year of the Commonwealth.

A B Munsey, Clerk.

Virginia, Lee County, to wit:-

J. F. W. Sadler a Justice of the Peace in and
for the County and State aforesaid do certify that I have
James this day personally appeared before me in my
said County and made oath that he delivered to
Lucy Ballins an attested office copy of the within
writ on the 10th day of October 1903.
Given under my hand this 16th day of October
1903.

J. F. W. Sadler

J. P.

Orvil Ballins

vs. {
SUBPEONA
IN CHANCERY.

Lucy Ballins et al

Ans. & Noel p. q.

To 2nd October Rules.

1903. Circuit Court.

Sworn to before
me this 16th day of
Octo 1903.

J. F. W. Sadler J. P.

(over)